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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,706	09/27/2001	Rick Rowe	IGT1P130X2/P-676CIP2	7432
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BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER MEINECKE DIAZ, SUSANNA M	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/966,706	Applicant(s) ROWE ET AL.	
	Examiner Susanna M. Diaz	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: <u>7/26/07, 8/3/07, 9/18/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed August 6, 2007.

Claims 1, 10, and 17 have been amended.

Claims 1-15, 17-19, and 21-27 are presented for examination.

Response to Arguments

2. Applicant's arguments filed August 6, 2007 have been fully considered but they are not persuasive.

In response to the 112, 2nd paragraph rejection, Applicant cites support from the specification to explain what is meant by "without a player tracking device " (Pages 8-9 of Applicant's response) "Without a player tracking device" is effectively a negative limitation. While negative limitations are allowed in claim language, they must clearly be indicative of understood metes and bounds that would define the scope of the invention. In the instant case, the boundaries of the scope of this limitation are not clear, especially since the cited portions of the specification do not clearly set forth definitive metes and bounds for the limitation in question. This is additionally problematic for apparatus claim 23 since independent claim 1 sets forth "means for determining a player's financial loss" which requires a structural element, which by nature of its functionality would effectively be a player tracking device.

The Examiner addresses the amended limitation "automatically creating a data file for the player if there is no data file associated with the player" in more detail in the

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art rejection below. It should be noted that Applicant argues an interpretation of the limitation based on excerpts from the specification; however, the details from the specification will not be read into this limitation.

In conclusion, Applicant's arguments are not persuasive and the art rejection is maintained.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 23, 25, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what is meant by determining a player's financial loss (or gain) without a player tracking device, especially since any physical element that tracks the player's financial loss (or gain) is by nature a player tracking device. This is additionally problematic for apparatus claim 23 since independent claim 1 sets forth "means for determining a player's financial loss" which requires a structural element, which by nature of its functionality would effectively be a player tracking device. "Without a player tracking device" is effectively a negative limitation. While negative limitations are allowed in claim language, they must clearly be indicative of understood metes and bounds that would define the scope of the invention. In the instant case, the boundaries

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of the scope of this limitation are not clear, thereby rendering claims 23, 25, and 27 vague and indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15, 17-19, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crevelt et al. (U.S. Patent No. 5,902,983) in view of Johnson (US 2001/0031663 A1).

Crevelt discloses a system for monitoring player financial transactions in a gaming environment for tracking player loss comprising:

[Claim 1] a plurality of gaming devices (Fig. 2; col. 4, lines 54-60; col. 6, lines 49-53);

a financial transaction host, said financial transaction host in communication with each of said plurality of gaming devices via a communication network, said financial transaction host including memory for storing at least one data file corresponding to a player and identifiable with a player identification, said at least one data file including

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financial information including at least monetary amounts associated with said player for use in playing one or more of said plurality of gaming devices (Figs. 1, 2; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9);

automatically creating a data file for the player if there is no data file associated with the player (col. 8, lines 42-61; col. 9, lines 1-29 -- The player's financial account information is electronically accessed. When the player set up his/her account, a processing device must have automatically, i.e., through use of a machine/computer/processor, created a data file for the player since the player previously did not have his/her own data file for that account. It should also be noted that this step is not tied into any structural element of the apparatus and therefore will not serve to distinguish the claimed apparatus over the prior art); and

means for determining a player's financial loss from said financial information (col. 3, lines 8-18; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 15 through col. 11, line 9);

[Claim 2] wherein said financial information comprises amounts deposited by said player (col. 3, line 12 through col. 4, line 26; col. 8, lines 42-61);

[Claim 3] wherein said system includes means for establishing a communication link with an outside financial institution, and wherein said financial information comprises

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information regarding funds requested by said player from said institution (col. 3, line 12 through col. 4, line 26; col. 5, lines 41-43);

[Claim 4] wherein said player identification comprises information identifying said player at said financial institution (col. 5, lines 45-52; col. 6, lines 3-9; col. 9, lines 1-29);

[Claim 5] wherein said financial information includes amounts bet by said player in playing one or more of said plurality of gaming devices (col. 3, line 12 through col. 4, line 26 -- The playing credit is used to play a machine, i.e., to bet at a machine);

[Claim 6] wherein said financial information includes monetary amounts awarded to said player playing one or more of said plurality of gaming devices (col. 3, line 12 through col. 4, line 26);

[Claim 7] including at least one player identification input device for accepting said player identification (col. 5, lines 45-52; col. 6, lines 3-9; col. 9, lines 1-29);

[Claim 8] wherein said at least one player identification input device comprises a card reader (col. 5, lines 45-52; col. 6, lines 3-9; col. 9, lines 1-29);

[Claim 9] including at least one currency dispensing apparatus for dispensing currency associated with a player account at a financial institution and wherein said card reader is associated with said currency dispensing apparatus (col. 3, line 56 through col. 4, line 26; col. 10, line 55 through col. 11, line 9);

[Claim 22] wherein the communication gateway permits the player to manage the at least one data file corresponding to the player at the financial host using the player's identification (col. 5, line 41 through col. 6, line 9 – Each player is identified via a player

identity, PIN, and account. Through the gaming interface and EFT system, funds may be transferred);

[Claim 23] wherein the means for determining a player's financial loss is determined without a player tracking device (col. 3, lines 8-18; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 15 through col. 11, line 9).

Regarding claims 1 and 21, Crevelt does not expressly teach that the player is prevented from playing the plurality of gaming devices based upon a predetermined criteria and the player's financial loss (claim 1), wherein the predetermined criteria is a predetermined period of time (claim 21). However, Johnson discloses that the player is prevented from playing the plurality of gaming devices based upon a predetermined criteria and the player's financial loss, wherein the predetermined criteria is a predetermined period of time (¶¶ 13, 17, 19, 23). This feature of Johnson helps to curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (¶¶ 10, 13, 17). Crevelt too is concerned with reasonably limiting the money spent by a player on gambling/gaming machines (col. 2, lines 18-28; 31-49; col. 4, lines 54-62), as evidenced by Crevelt's statements that the prior art "likely will be unpalatable to at least some legislatures which regulate gaming" and that Crevelt addresses "a need for an EFT system that allows cashless transfers of funds to gaming machines and yet protects

against rash decisions by some players to divert large amounts of their savings to gaming" (col. 2, lines 23-28). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Crevelt such that the player is prevented from playing the plurality of gaming devices based upon a predetermined criteria and the player's financial loss (claim 1), wherein the predetermined criteria is a predetermined period of time (claim 21) in order to help curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (as suggested in both ¶¶ 10, 13, and 17 of Johnson and col. 2, lines 23-28 of Crevelt).

Crevelt discloses a method of monitoring player financial activities in a gaming environment in which a player may play one or more games comprising the steps of: [Claim 10] generating a financial account corresponding to a player, said account represented by at least one data file, said at least one data file adapted to contain financial information (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9);

automatically creating a data file for the player if there is no data file associated with the player (col. 8, lines 42-61; col. 9, lines 1-29 -- The player's financial account information is electronically accessed. When the player set up his/her account, a processing device must have automatically, i.e., through use of a

machine/computer/processor, created a data file for the player since the player previously did not have his/her own data file for that account);

storing financial information regarding monetary amounts belonging to a player which may be used to play said one or more games (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9);

storing financial information regarding monetary amounts expended by a player in playing said one or more games (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9); and

determining player loss from said financial information (col. 3, lines 8-18);

[Claim 11] wherein said step of generating a financial account includes associating a player identifier with said account (col. 5, lines 45-52; col. 6, lines 3-9);

[Claim 12] identifying a player with said player identifier (col. 5, lines 45-52; col. 6, lines 3-9; col. 9, lines 1-29);

[Claim 13] wherein said player identifier is associated with a player's financial institution (col. 5, lines 45-52; col. 6, lines 3-9, 40-46; col. 9, lines 1-29);

[Claim 14] wherein said financial information regarding monetary amounts belonging to said player comprises information regarding amounts deposited by said player to said account and amounts award to said player and credited to said account in association

with said player's play of said one of more games (Figs. 1, 2; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9);

[Claim 15] wherein said financial information regarding monetary amounts belonging to said player comprises credit represented by financial data transmitted from a remote financial institution (col. 3, line 12 through col. 4, line 26; col. 8, lines 42-61);

[Claim 24] accessing the financial account by the player using the player identifier (col. 5, line 41 through col. 6, line 9 -- Each player is identified via a player identity, PIN, and account. Through the gaming interface and EFT system, funds may be transferred);

[Claim 25] wherein the determining player loss from said financial information is determined without a player tracking device (col. 3, lines 8-18; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 15 through col. 11, line 9).

Regarding claim 10, Crevelt does not expressly teach the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain criteria. However, Johnson discloses the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at

least a period of time if said determined player loss meets certain criteria (¶¶ 13, 17, 19, 23). This feature of Johnson helps to curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (¶¶ 10, 13, 17). Crevelt too is concerned with reasonably limiting the money spent by a player on gambling/gaming machines (col. 2, lines 18-28; 31-49; col. 4, lines 54-62), as evidenced by Crevelt's statements that the prior art "likely will be unpalatable to at least some legislatures which regulate gaming" and that Crevelt addresses "a need for an EFT system that allows cashless transfers of funds to gaming machines and yet protects against rash decisions by some players to divert large amounts of their savings to gaming" (col. 2, lines 23-28). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Crevelt to perform the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain criteria in order to help curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (as suggested in both ¶¶ 10, 13, and 17 of Johnson and col. 2, lines 23-28 of Crevelt).

Crevelt discloses a method of monitoring game player financial transactions associated with at least one game station coupled to a server, the server including at

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least one data file representing a player account, said account containing player financial information comprises the steps of:

[Claim 17] automatically creating a data file for the player if no data file for the player is found (col. 8, lines 42-61; col. 9, lines 1-29 – The player's financial account information is electronically accessed. When the player set up his/her account, a processing device must have automatically, i.e., through use of a machine/computer/processor, created a data file for the player since the player previously did not have his/her own data file for that account, i.e., a data file did not exist and therefore could not be found);

crediting monetary amounts to said player for use in playing a game at said game station to said at least one data file (col. 3, line 56 through col. 4, line 26; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9);

accepting input from said player transmitted from said game station to said server, said input including player identification information (col. 5, lines 45-52; col. 6, lines 3-9, 40-46; col. 9, lines 1-29);

deducting amounts bet by said player in playing a game at said game station from said player account (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 15 through col. 11, line 9);

determining said player's net financial gain or loss from said credit monetary amounts and said deducted amounts (col. 3, lines 8-18; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 15 through col. 11, line 9);

[Claim 18] wherein said crediting step comprises crediting an amount won by said player in playing a game at same game station (col. 3, line 56 through col. 4, line 26; col. 10, line 55 through col. 11, line 9);

[Claim 19] wherein said player identification information comprises information identifying said player to a financial institution (col. 5, lines 45-52; col. 6, lines 3-9, 40-46; col. 9, lines 1-29);

[Claim 26] accessing the financial account by the player using the player identifier information (col. 5, line 41 through col. 6, line 9 -- Each player is identified via a player identity, PIN, and account. Through the gaming interface and EFT system, funds may be transferred);

[Claim 27] wherein the determining said player's net financial gain or loss is determined without a player tracking device (col. 3, lines 8-18; col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 15 through col. 11, line 9).

Regarding claim 17, Crevelt does not expressly teach the step of preventing said player from deducting amounts from said account if said player is determined to have incurred a particular financial loss during a particular period of time. However, Johnson discloses the step of preventing said player from deducting amounts from said account if said player is determined to have incurred a particular financial loss during a particular period of time (§§ 13, 17, 19, 23). This feature of Johnson helps to curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (§§ 10, 13, 17). Crevelt too is concerned with reasonably limiting the money spent by a player on gambling/gaming machines (col. 2, lines 18-28; 31-49; col. 4, lines 54-62), as evidenced by Crevelt's statements that the prior art "likely will be unpalatable to at least some legislatures which regulate gaming" and that Crevelt addresses "a need for an EFT system that allows cashless transfers of funds to gaming machines and yet protects against rash decisions by some players to divert large amounts of their savings to gaming" (col. 2, lines 23-28). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Crevelt to perform the step of preventing said player from deducting amounts from said account if said player is determined to have incurred a particular financial loss during a particular period of time in order to help curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (as suggested in both §§ 10, 13, and 17 of Johnson and col. 2, lines 23-28 of Crevelt).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
Art Unit 3694

September 23, 2007